



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 11, 1995

Ms. Detra Hill  
Assistant City Attorney  
Supervisor, Criminal and Police Division  
City of Dallas  
City Hall  
Dallas, TX 75201

OR95-1396

Dear Ms. Hill:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 27292.

The City of Dallas Police Department received a request for computer crime analysis reports and police reports for a particular murder and assault. You state that you received the request on May 13, 1994. You requested a decision on June 24, 1994. Consequently, you failed to request a decision within the ten days required by section 552.301(a) of the Government Code.

Section 552.301(a) requires a governmental body to release requested information or to request a decision from the attorney general within ten days of receiving a request for information the governmental body wishes to withhold. When a governmental body fails to request a decision within ten days of receiving a request for information, the information at issue is presumed public. Gov't Code § 552.302; *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379 (Tex. App.--Austin 1990, no writ); *City of Houston v. Houston Chronicle Publishing Co.*, 673 S.W.2d 316, 323 (Tex. App.--Houston [1st Dist.] 1984, no writ); Open Records Decision No. 319 (1982). The governmental body must show a compelling interest to withhold the information to overcome this presumption. See *Hancock*, 797 S.W.2d at 381.

You have not shown compelling reasons why the information at issue should not be released. The information is presumed to be public and must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Loretta DeHay", written in a cursive style.

Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/rho

Enclosures: Submitted documents

cc: Mr. Mark Marzonie  
Fields Claims Representative  
One Stratford Park  
18383 Preston Road, Suite 500  
Dallas, Texas 75252  
(w/o enclosures)